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JC07 Rec'd PCT/PTO 16 NOV 2001

PATENT
Attorney Docket No. 044574-5040-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Patrick C. KUNG *et al.*

Application No. 09/830,033

Date of Nat'l. Stage Entry: April 20, 2001

For: **PHYTOMICS: A GENOMIC-BASED
APPROACH TO HERBAL
COMPOSITIONS**

Group Art Unit: Unassigned

Examiner: Unassigned

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TECH CENTER 1600/2900

Commissioner for Patents
Washington, D.C. 20231

Sir:

PRELIMINARY AMENDMENT TRANSMITTAL FORM

1. Prior to the examination of the above-identified application, transmitted herewith is a Preliminary Amendment.

2. Additional papers enclosed:

- ☐ Drawings: ☐ Formal ☐ Informal (Correction)
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, _____ references included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

X Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 920.00	\$ 460.00
<input type="checkbox"/> four months	\$ 1,440.00	\$ 720.00

Extension of time fee due with this request: \$_____

If an additional extension of time is required, please consider this a Petition therefor.

4. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	81	minus	41	40	x \$18 each=	+ \$ 720
Independent Claims (37 C.F.R. §1.16(b))	18	minus	6	12	x \$84 each=	+ \$1,008
[] First presentation of Multiple dependent claim(s)					\$280.00	+ \$
SUB-TOTAL =						\$1,728
Reduction by ½ for filing by a small entity						- \$ 864
TOTAL FEE =						\$ 864

5. Fee Payment

☐ No fee is to be paid at this time.

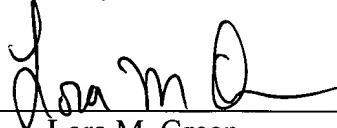
X Check no. **113379** in the amount of **\$864.00**. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.

6. Constructive Petition

X EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 

Lora M. Green
Reg. No. 43,541

Dated: November 16, 2001

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